

# Advisory Opinion

IECDB AO 2009-04

April 30, 2009

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(12) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the filing of Form DR-SFA for a new election. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

Pursuant to Iowa Code section 68A.201 a statement of organization is required to register a campaign committee when the committee exceeds \$750 in financial activity. Iowa Code section 68A.405 requires a "paid for by" attribution on "published material" that expressly advocates for or against candidates or ballot issues. The law requires more information on the attribution when the published material is paid for by a person who has not registered a campaign committee.

Thus, persons have been interested in registering a campaign committee before they have exceeded the \$750 financial filing threshold for purposes of using the abbreviated "paid for by" attribution. In order to facilitate this process, the Board created Form DR-SFA.<sup>1</sup>

The issue has now been raised concerning whether or not a person filing form DR-SFA in one election needs to file any campaign paperwork for subsequent elections.

We are of the opinion that good public disclosure, avoiding voter confusion, and consistency with other campaign filings dictates that a person desiring to register a campaign committee without exceeding \$750 is required to file Form DR-SFA, or amend the Form DR-SFA that is already on file, for each separate election.

Persons who file Form DR-SFA are reminded that if the committee subsequently exceeds \$750 in contributions received, expenditures made, or debts incurred, that a statement of organization is required to be filed. In addition, the required campaign disclosure reports under Iowa Code section 68A.402 are also required to be filed.

In closing, the Board notes that a person desiring to file Form DR-SFA must do so prior to the distribution of the published material that expressly advocates for or against candidates or ballot issues.

BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair

Janet Carl, Vice Chair

Gerald Sullivan

Betsy Roe

John Walsh

Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

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<sup>1</sup> See Board rule 351—4.11.